IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.574 OF 2003

IN

SUMM.SUIT NO.3881 OF 2002

Sureshkumar Jaichandji .. Plaintiff

versus

Subhash Tile Centre & anr .. Defendants

...

Mr. Ramesh Jain for Plaintiff.

CORAM : D.G. KARNIK, J

DATED : 16th March 2005.

P.C:-

1. Heard learned counsel for the plaintiff. None present for the defendants.

2. Learned counsel for the plaintiff hands in the affidavit of service and the documents along with a list. The affidavit is taken on record and marked A. The documents are taken on record and marked Exhibit B collectively.

3. I have perused the plaint and the documents filed on record. In the absence of any application for leave to defend or any affidavit in reply the averments made in the plaint are deemed to be accepted. In the plaint, the plaintiff has averred that the defendant no.1 for valuable consideration drew a bill of exchange of Rs.50,000/- and the defendant no.2 accepted the said bill. The original bill is produced on record. The plaintiff also produces on record office copy of the notice of demand. In the absence of any affidavit in reply the averments made in the plaint are deemed to be accepted. Hence, I pass the following order:

" Summons for Judgment is made absolute and suit of the plaintiff is decreed as under :

" The defendants shall pay to the plaintiff a sum of Rs.73,277.80 together with interest on the principal sum of Rs.40,000/- at 9 % p.a. from the date of the suit till payment and all costs of the suit."

D.G.KARNIK, J